

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
ERIC BASS

Serial No.: 10/717,365

Filed: NOVEMBER 19, 2003

For: METHOD AND APPARATUS FOR
LONGITUDINAL BALANCE
CALIBRATION

Group Art Unit: 2614

Examiner: RAMNANDAN P. SINGH

Conf. No.: 6696

Atty. Dkt.: 2069.012700/LE0042

**COMMENTS ON EXAMINER'S STATEMENT OF
REASONS FOR ALLOWANCE**

Mail Stop Issue Fee

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Mailed a Notice of Allowance on July 11, 2008, allowing all of the pending claims 1-6 and 8-31. The due date for paying the Issue Fee is October 14, 2008. This paper is being filed on or before the due date, therefore it is timely filed.

It appears that, for convenience, the Examiner has paraphrased the claimed language in the Reasons for Allowance. While the Applicant understands the Examiner's desire to use convenient phraseology, the Applicant notes that the proper scope of the claims should be governed based on the express language of the claims themselves in the event there is any inconsistency (actual or perceived) between the claimed language and the Examiner's paraphrasing. Furthermore, words used in the Examiner's paraphrasing should not be construed as claim limitations if the claims themselves do not include the language referenced by the Examiner. For example, the Examiner, for convenience,

asserted that “[c]laim 1 is essentially similar to claim 8... .” However, claims 1 and 8 are not the same. Applicant respectfully asserts that the respective limitations of claims 1 and 8 govern the respective scope of claims 1 and 8. Other references or characterizations made by the Examiner in his Reasons for Allowance that are not present in the claims are not to be construed as limitations. The intended respective scopes of the claims are defined by the respective languages recited in the claims.

Should the Examiner have any questions, **the Examiner is invited to call the undersigned attorney** at the Houston, Texas telephone number (713) 934-4069.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 23720

Date: October 8, 2008

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